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SUBJECT Frank Snapp

BRUCE MORTON: Frank Snapp once worked for the Central Intelligence Agency in Vietnam. For the record, he'd previously worked as a researcher for CBS News. But it was his time with the CIA in Vietnam which shaped his life. He wrote a book about what he and the agency did there. But the Supreme Court, in a ruling some people think dented the First Amendment, think Snapp should not have written anything without CIA clearance, and that he must pay the government his book royalties, which were substantial.

Eric Enberg has more.

ERIC ENBERG: On this winter night at a small Midwestern college, a spy comes in from the cold, briefly, to talk about a losing war that for him has never ended.

FRANK SNEPP: One February morning in 1978, a journalist called me at my Arlington apartment to give me some chilling news. The government, he said, was suing me for a book I'd written about my former employer, the CIA, even though nobody had accused me of packing any secrets between its covers.

Well, two years later, after debilitating legal battle, the Supreme Court rendered final verdict in my case, handing down a ruling that did as much damage to the First Amendment as it did to me.

ENBERG: Frank Snapp had written his expose, "Decent Interval," in the white heat of anger over the evacuation of Saigon. His bosses, he claimed, had bungled. Secrets and secret agents had been compromised.

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But Snepp himself became the central issue after then-CIA Director Stansfield Turner charged that by publishing without agency approval, the ex-spy had hurt the country.

ADMIRAL STANSFIELD TURNER: What he did was to violate a contract that he made with the Central Intelligence Agency. It is a contract that all of us make when we join the CIA. It says that we will submit to the Central Intelligence Agency for security review all writings that we're going to put into the public domain.

You don't have to join the CIA. And if you do, you have to agree to sign up for this contract. He did. He failed to comply with that contract. And therefore we took him to court. He lost the profits of his book.

ENBERG: Legal decisions that went all the way to the Supreme Court forced Snepp to pay the government \$163,000. As a result of a federal court injunction, he could be sent to jail if he writes again about intelligence matters without first clearing his words with the CIA. Agency censors even cleared a novel he once wrote. And Snepp claims the censors try to categorize much of his writing as fair game.

SNEPP: The injunction reads that I cannot write about what I learned during employment -- and here is the catch phrase -- or as a result of employment. And now the agency has gone one step further and said that it is an open legal question whether or not I can write about intelligence-related matters or intelligence generally which I've learned about independent of employment.

So, the ambiguities, the gray areas get larger and larger. And I find myself again facing another bend in that tunnel, where when I thought I was a little free, there was no freedom there at all.

ENBERG: Financially crushed by the lawsuits, Snepp travels the lecture/talk show circuit, moving from city to city, marketing his knowledge and his rage at his unique legal status. At Mid-America Nazarene College in Olathe, Kansas, the fee was \$1000. The whiff of Big Brother is in the room when Frank Snepp speaks of intelligence matters.

SNEPP: The White House couldn't bring itself to admit the Shah was on the ropes. Neither could Turner nor the CIA. Although the agency, words deleted, words deleted, picking up the sentence, it had no idea until...

ENBERG: From the text of his lecture, CIA censors cut Snepp's comments on the Iranian revolution, even though it happened after he left the agency and even though he based his remarks entirely on news stories he had read.

Snepp spends most of his time at home, a small apartment in the Washington suburbs, frantically trying to right himself out of his financial hole. He is a bachelor, a loner, surrounded by the relics of his twin obsessions, the war and the lawsuit. The ammunition he had in his pocket the day he fled Saigon, he says, is his reminder of the fleeting character of life.

SNEPP: My publisher says that being sued by the government is the next worst thing to a terminal disease. I can tell you that it is a terminal disease. There is no escaping it. It dominates your every waking moment. When you are outsmarted in court, you spend the next night awake smarting over it and thinking of some way you can rebound. It becomes an obsession, and such an obsession that you lose your capacity for emotion elsewhere. I have not been able to sustain friendships during the period of the litigation -- ironically, a period in which friendships were almost mandatory -- simply because I was focused on this thing that was happening to me in court. It was almost like being present at your own execution. You're watching the people put the bullets in the weapons and you're watching them sight down the barrel.

ENBERG: None of that, Snepp insists, has caused him to regret his decision to publish his book in violation of the rules.

SNEPP: I had played the company game for five years in Vietnam. I had lied when it was necessary. I had tricked the press when it was necessary. I had toed the company line in briefings and analyses that I had written. And I had dealt with the Vietnamese in such a way that I had been instrumental in getting them to trust us. Not instrumental, but certainly I had contributed to their trust in the American commitment.

And so, when we didn't rescue the Vietnamese to whom we had some obligation, I wanted to do a kind of penance by getting the truth out, finally, by rolling back the lies, and also, selfishly, by trying to lift some of the burden from my shoulder, the burden of guilt from my shoulders.

ADMIRAL TURNER: Let me say on Snepp's behalf now, while I'm very annoyed with him for what he did with me in terms of welshing on his agreement, I think Snepp is a basically patriotic, conscientious type of person. I think he tried not to put any classified material in that book. His problem is that he's a zealot. He believes he has great wisdom to give to this country. And he's also paranoid. He thinks the Central Intelligence Agency is determined to prevent his giving that wisdom out.

Now, the problem with zealots is that, in the name of

doing good, they frequently do wrong. And that's what Snepp did. He's misguided. He's overzealous in trying to get his message across.

SNEPP: I suppose if you're brought up in the South, as I was, that's part of your heritage. My grandmother used to regale me with stories about how my forebears -- the fellows in gray, by the way -- charged up Cemetery Ridge right into the cannons of Meade's army. She told me this over and over. It became part of my outlook. And maybe I was charging the cannons, too. Maybe I was playing out that -- that Southern role. And it would have almost been unthinkable not to have charged the cannons once I had spotted them and knew that they were there to be assaulted and that there was a cause there. Like my forebears, it turned out to be a lost cause.

ENBERG: The running, Snepp says, stiffens his will to fight back.

He has always been an oddball among the spy-and-tell authors. He is a strong believer in an effective CIA. He supported the Vietnam War. His book gave away no secrets. Yet, in an era when government secrets were gushing out, Snepp was singled out for harsh treatment. It happened that way because an example was needed, and he was handy.

ADMIRAL TURNER: I think the Achilles' heel of intelligence in this country today is our inability to keep our secrets. Not just Snepp, but the leaks, the whistle-blowers who go out and say things that they shouldn't, people who deliberately try to scotch an ongoing intelligence operation by leaking it. If we can't keep secrets, you can't have a good intelligence organization. People's lives are at stake. Your tax dollars and my tax dollars are at stake. We've just got to tighten up all the way around.

ENBERG: The courts, and especially the Supreme Court, seemed in the mood to stop ex-spies from talking. The ruling in U.S. versus Snepp was widely criticized by constitutional scholars, even some, like Professor Beno Schmidt (?) of Columbia University, who believes there are distinct limits to the First Amendment.

BENO SCHMIDT: The case amounts to a kind of draconian punishment of Snepp by the Supreme Court. And I think, in its hurry to punish Snepp, it override -- it overrode the usual rules of procedure and separation of powers and the usual rules of contracts, and it gave absolutely no serious consideration, in my judgment, to the very serious First Amendment problems that are involved in a rule of law that says a government employee cannot go public with matters of great public interest about what the government is doing without first submitting to a wholesale

system of censorship. That's a very alien notion in our constitutional scheme.

ENBERG: Snapp's legal dilemma has left him not only broke, but virtually unemployable with think tanks, universities, news organizations.

SNEPP: I run up against the clearance problem. What can I write about, what can I do for them, if they're an international consultancy, that won't bring the agency trundling into their inner sanctums. I have inquired at universities. Would students come to my class if they knew that every lecture had been cleared by the CIA in advance?

I have been disabused of my naive belief that the American system can correct itself and that the CIA is subject to the ministrations of truth and that the right will triumph, and so on and so on. I guess now I am a disillusioned romantic. That's a cynic, in other words. But not so cynical as to be immobilized. The next fight I will fight in a different way. I'll charge up Cemetery Ridge, perhaps, from a different -- a different direction.